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SUBJECT: AMBASSADOR MEETS WITH PM MALIKI, ISCI CHAIRMAN;
PARLIAMENT SESSION POSTPONED

REF: A. BAGHDAD 296
[1](#)B. BAGHDAD 304
[1](#)C. GRAPPO-NEA/I EMAIL 02/06/2010

Classified By: Ambassador Christopher R. Hill for reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY AND COMMENT: The Ambassador met separately with PM Maliki and ISCI Chairman Ammar al-Hakim on February 7 to press for early resolution of the de-Ba'athification controversy, underscore U.S. support for de-Ba'athification in accordance with Iraqi law, and push back on accusations that the Cassation Chamber issued its recent ruling under pressure from the United States. The PM asserted that he did not want the de-Ba'athification debate to harm the bilateral relationship. Meanwhile, Speaker Sammarrai'e briefly convened, at the request of the PM, an extraordinary session of parliament to discuss the Cassation Chamber's ruling, but summarily postponed it to February 8, pending receipt of a letter from PM Maliki justifying his call for the extraordinary session. Per Deputy Speaker Khalid Attiya, the Cassation Chamber informed the COR's leadership that it accepted the proposal worked out on February 6 by Maliki, Sammarrai'e, and Deputy PM Shaways (representing President Talibani), requesting that the judicial panel complete all pending appeals by the start of the campaign season on February 12. END SUMMARY AND COMMENT.

[1](#)2. (C) The Ambassador met PM Maliki on February 7 to reaffirm U.S. opposition to Ba'athism. He categorically rejected criticism by politicians from Maliki's State of Law Alliance (SLA) alleging that the Embassy had intervened to sway the political debate over de-Ba'athification and influenced the Cassation Chamber's February 3 decision to reinstate candidates with pending appeals to the ballot (refs A-B). The PM did not argue the point, instead he asserted that he did not want the de-Ba'athification controversy to harm the bilateral relationship, recognizing that the United States "had spilled as much blood as Iraqis" in the fight to unseat Saddam Hussein. However, he admitted that no Iraqi politician, religious leader or civic figure could afford to "align himself with Ba'athism" by defending the candidates on the Accountability and Justice Commission's (AJC) de-Ba'athification order. (NOTE: The Iraqi press reported that approximately 6,000 persons demonstrated on February 7 in Baghdad just outside of the International Zone against "U.S. interference in de-Ba'athification," while 2,000 - 3,000 thousand demonstrated in Basrah. END NOTE.)

[1](#)3. (C) Maliki noted that the Ambassador's February 6 interviews on Iraqi television were very helpful in making clear U.S. opposition to Ba'athism. He claimed that Iraqi institutions and security agencies were too weak to stand if Ba'athists were present. Iraqis are still living the emotional and economic burden thrust on them by the Ba'athist regime: international sanctions, destruction of relations

with neighboring Kuwait, 180,000 Iraqi Kurds murdered and thousands of Kurdish and Arab political prisoners held for years. Maliki and the Ambassador discussed the historical roots of Iraqi suspicions about Washington's policy towards the Ba'ath, stemming from perceived implicit U.S. support for the Ba'athist revolution in 1968 to stem Communist influence in the previous regime. The PM noted that many Iraqis still believe that the United States favors secular parties at the expense of parties with religious orientations.

¶4. (C) In light of this memory of oppression, Maliki said he would not fight to restore "well-known Saddam sympathizers" like Dhafer al-Ani (Tawafuq MP) or Saleh al-Mutlaq (IFND/Iraqiyya) to the ballot. The Ambassador reassured Maliki that the United States supports a de-Ba'athification process in accordance with the Iraqi Constitution, if that process is transparent to the Iraqi public and the accused, observing that the AJC's process was opaque. The Ambassador also stressed that the Embassy should not be brought into the debate between Iraqi political actors or blamed for the actions of independent Iraqi institutions, like the Cassation Chamber.

¶5. (C) The Ambassador informed Maliki that he had met with Parliament Speaker Sammarai'e the day before, who had briefed him on the proposed consensus deal he had reached with the PM, Federal Supreme Court Chief Justice Medhat al-Mahmoud and Deputy Prime Minister Rowsch Shaways (ref C). Maliki acknowledged their decision to ask the Cassation Chamber to resolve all pending appeals before the start of the official election campaign on February 12, and to rule in favor of candidates if the AJC did not provide adequate information to make a finding. The PM predicted that if the Cassation

Chamber and "political actors" agreed to this proposal, the extraordinary COR session scheduled for later in the day on February 7 would be canceled. He commented that if the session were to occur, some MPs would use the opportunity to rail against "foreign intervention" for campaign purposes.

¶6. (C) Ahmed Mofeed, Da'wa party parliamentary secretary, told poloff that several political blocs hoped to submit a no-confidence motion against the Cassation Chamber for "overstepping its authority." MP Qassem Daoud (INA/Solidarity) told poloff that INA met briefly after the COR session, and decided to give the Cassation Chamber more time "to accept the parliament's wishes" before suggesting a no-confidence motion. He noted that Sadrist Trend MP Falah Shanshal (chair of the parliamentary Accountability and Justice Committee) admitted to the surprise of his colleagues in INA that the judicial panel appeared to be "balanced" in its work to date. Daoud estimated that the COR would convene and recess on February 8 and 9 to keep the pressure on the judicial panel to complete appeals before campaign season begins. (NOTE: The Speaker rescheduled the special session for early afternoon on February 8. Deputy Speaker Khalid Attiya (SLA/Independent) told POL M/C on February 8 that the Cassation Chamber "understood the wishes" of the political leadership, and confirmed to COR leadership that it intended to complete its review of candidates by February 12. END NOTE.)

¶7. (C) Ambassador also met ISCI Chairman Ammar al-Hakim on February 7 to assure him that the U.S. position on de-Ba'athification has not changed and that the United States had not interfered in the Iraqi judicial process. Hakim welcomed the Ambassador's February 6 comments on Iraqi television reiterating these points and deemed news reports that the United States had applied pressure to the Cassation Chamber as unhelpful. Hakim criticized the Cassation Chamber's decision to delay the appeals process until after the election, claiming that only 68 appeals are pending review and only two names among those -- Saleh Mutlaq and Dhafer al-Ani -- were sensitive. (NOTE: We have heard different numbers from interlocutors at IHEC and in the political parties. END NOTE.)

HILL